

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 22, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Vice Chairman David B. Blain, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Blain were: William C. Seeds, Sr., William L. Hornung, and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Steven Fleming, Township Engineer; and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Crissman led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the December 18, 2012 business meeting. Mr. Hornung seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided.

Chairman and Board Member's Comments

No comments were provided by Board members.

Manager's Report

Mr. Wolfe noted that the Township's website has the posted budgets for the 2013 fiscal year, including the Authority, Friendship Center, and Capital Acquisition funds for those

entities. He noted the link is found on the left side of the front page. He explained that additional information on the budget can be provided by contacting staff at the Municipal Center.

OLD BUSINESS

Action to authorize the acquisition of the Wolfersberger Tract from James Spangler in accordance with the Installment Sales Agreement

Mr. Wolfe noted that the Township entered into an installment sales agreement of ten years in length 12 years ago. He noted that two amendments extended the purchase of the Spangler tract to the year 2013. He noted that the Township currently owes \$40,000 on this parcel of land which totals 95 acres and the closing date for the sales agreement is Monday, January 28, 2013. He requested that the Board authorize him to sign the closing documents and issue the checks for the sale of the property to the Township.

Mr. Crissman made a motion to authorize the acquisition of the Wolfersberger Tract from James Spangler in accordance with the Installment Sales Agreement and authorize Mr. Wolfe to execute the closing documents and issue the necessary checks. Mr. Seeds seconded the motion. Mr. Blain called for a voice vote and a unanimous voted followed.

Ratification of electric pricing from Constellation NewEnergy in accordance with terms of the Pennsylvania Municipal League Utilities Alliance

Mr. Wolfe noted that the Pennsylvania Municipal League (PML) has a consortium of municipalities that participate in a municipal utility alliance to jointly purchase electricity in a competitive bid process. He noted that Lower Paxton Township is the lead entity in the utility alliance and through its competitive bidding it has saved thousands of dollars for the residents in purchasing electricity at a competitive price.

Mr. Wolfe noted that the provider in the consortium is Constellation NewEnergy and the Township's contract for services has expired. He noted that Constellation has provided the

Township with a 48 month quote as discussed in the workshop session last Tuesday, for .069335 cents per kilowatt hour. He explained that it would be a fixed price for 48 months, and there was only one commercial supplier of electricity that had a rate that was less than the 48-month rate for the GS-1 Category. He noted that their rate was a variable rate, not a fixed one. He noted for the GS-3 Electric Consumption rate, the providers for large commercial users, none of those have a rate listed less than the rate listed for a fixed rate for 48 months. He noted that the Board authorized the Township Manager to lock in that rate at its workshop session last Tuesday night and he is requesting the ratification of that agreement at this time.

Mr. Blain suggested that .069335 is a very good fixed rate for a 48 month period with the fluctuations of energy prices that have been ongoing. Mr. Seeds noted that the one we discussed during the workshop session were varied. Mr. Wolfe noted that he provided examples of rates that were variable rates. Mr. Seeds questioned if this was the best price we could get which is lower than what we are paying now. Mr. Wolfe answered yes. He noted that it is a 15% reduction in the cost for the product. He noted that it does not include the cost of transmission which is a PPL bill.

Mr. Crissman made a motion to approve the ratification of electric pricing from Constellation NewEnergy in accordance with terms of the PLCM Municipal Utilities Alliance for a 48-month period at the rate of .069335. Mr. Hornung seconded the motion. Mr. Blain called for a voice vote and a unanimous voted followed.

NEW BUSINESS

Action on appointment to the Arts Council

Mr. Blain noted that there is a vacancy on the Arts Advisory Council due to the resignation of Tavia Larson. He noted that the Parks and Recreation Board interview applicants

for the position and unanimously selected Debra Delgado to fill that position for the unexpired term that will expire on December 31, 2013.

Mr. Crissman made a motion to appoint Debra Delgado to fill the vacancy on the Arts Advisory Council. Mr. Hornung seconded the motion. Mr. Blain called for a voice vote, and a unanimous vote followed.

Resolution 13-04; adopting amendments to the Township's Emergency Operations Plan

Mr. Wolfe explained that the Dauphin County Commissioners amended the Dauphin County Emergency Operations Plan during the first week of this year and given that the Township's plan is a subcomponent of the County's Plan, the Township is requested to approve the amendments as well. He noted that attached to the resolution is the summary of changes made by the County to its Plan. He noted that some changes are the result of the response to Tropical Storm Lee where the Plan was found to be lacking in certain areas. He noted that additional changes are housekeeping in nature, removing items that are no longer pertinent and adding items that are.

Mr. Blain noted that the majority of changes are just to streamline the entire process by elimination of a checklist, and providing more direct action in activity with senior superiors.

Mr. Seeds questioned if the Emergency Operations Plan is on the Township webpage. Mr. Wolfe answered no. He noted that it may be on the Dauphin County website. Mr. Seeds questioned if it could be added to the website. Mr. Wolfe noted that it is a plan geared for the responding to an emergency setting what individuals are to do in an emergency. He questioned if there is a benefit for public consumption for this plan. Mr. Stine noted that it is not good to put it in the public realm as everyone has access to it including those who shouldn't have access to it.

Mr. Seeds noted that he had a request from someone to view the plan. He questioned if we should make comment on it through the newsletter or would it be possible to have someone come to speak about it. He noted that it is important for people to know that we have a plan. Mr. Crissman noted that it would not be good to discuss the internal operations as it would be counterproductive. He noted that it is good for the community to know that we have the Plan and are prepared to implement it when we have an emergency.

Mr. Wolfe noted that we advertise that the Emergency Operations Center is open during times of emergency and it is used to communicate with residents. He noted that we do that through public service announcements to Cable Channel 21 on Comcast and Channel 22 on Verizon. He noted that we use the Nixle service to get information out to the community. He noted that the Emergency Operations Center is staffed based upon the type of emergency noting that a snow emergency is different from a tropical storm event. He noted if it is an emergency that occurs on the interstate that response is different. He noted that there are standard responses for the different types of events and people are trained to staff the Emergency Operations Center during a emergency event in cooperation with other municipalities and Dauphin County.

Mr. Wolfe noted that the Township's Emergency Operations Coordinator is Officer Ralph Palm.

Mr. Seeds noted that we closely follow the Dauphin County Plan. Mr. Wolfe answered yes. Mr. Seeds questioned if they have information on their website for their plan. Mr. Wolfe answered that he did not know if they do. Mr. Crissman noted that we are an integral part of the Dauphin County Plan.

Mr. Crissman made a motion to approve Resolution 2013-04; adopting amendments to the Township's Emergency Operations Plan as presented by Mr. Wolfe. Mr. Seeds seconded the motion. Mr. Blain called for a voice vote and a unanimous vote followed.

2013 Municipal Domestic Animal Protection Services Agreement
with the Humane Society of Harrisburg Area

Mr. Wolfe noted that the agreement and a letter explaining the agreement from the Humane Society is included in the packet. He noted that the cost for services remains the same as it was in 2012, and the agreement is relatively unchanged with some items identified in the bold-type face. He noted that the Public Safety Director has reviewed that agreement and recommends that the Board take action to approve it this evening.

Mr. Blain questioned if we paid \$12,500 last year. Mr. Wolfe answered that we did not spend all the funds from last year so the Township has a small credit from last year. Mr. Seeds questioned if we did not expend the \$6,257, as we pay it up front and when that it gone, we get charged. Mr. Wolfe explained that we pay that twice year, a biennial payment and we did not use all of the funds from last year.

Mr. Crissman made a motion to approve the 2013 Municipal Domestic Animal Protection Services Agreement with the Humane Society of Harrisburg area and authorize Mr. Wolfe to sign the agreement. Mr. Hornung seconded the motion.

Mr. Crissman noted that he included the authorization for Mr. Wolfe to sign the agreement as it does not require the chairman or secretary as the authorized signature. Mr. Wolfe noted that is fine as long as he is authorized. Mr. Blain called for a voice vote and a unanimous vote followed.

Resolution 13-05; adopting a report maintaining the
Administrative Employee Compensation Plan

Mr. Wolfe noted that annually the Board takes action on the Administrative Employee Compensation Plan for the 27 individuals who are included within the plan. He noted that most of the Township employees are covered by one of four collective bargaining agreements; however, the management employees and certain other technical employees are not covered by anything but this plan. He noted that the Resolution is complete for Board action this evening. He noted that the major component of the plan provides recommendations for employee compensation where in the plan, the vast majority of the administrative employees are compensated at less than the average for their position, in comparison to employees performing duties in other municipalities, and given the increases in the municipal survey group, as well as the consumer price index, CPI, by a formula in the plan folded into a one percentage increase, the plan provides for a flat 2% increase for administrative employees with the Board to revisit individual employee compensation in regard to their level in the salary structure.

Mr. Wolfe noted that it is staff's recommendation to adopt the report this evening and he will begin implementation immediately thereafter.

Mr. Crissman made a motion to approve Resolution 13-05 to adopt a report maintaining the administrative employee compensation plan. Mr. Hornung seconded the motion. Mr. Blain called for a voice vote and a unanimous vote followed.

Preliminary/final land development plan for Community General
Osteopathic Parking Expansion

Mr. Wolfe noted that the Steven Fleming from HRG is present to assist him in any questions the Board may have on both plans. He noted that the first plan is a parking lot expansion for Community General Osteopathic Hospital (CGOH). He noted that the Board was

informed that this plan would be coming to it when it approved the hospital expansion plan early last year. He noted that as the expansion was completed, PinnacleHealth (PH) planned to demolish a portion of the existing hospital and the area for the time being would be developed as parking. He noted that 120 parking spaces are planned. He noted that the area in question is 2.29 acres, and the area of demolition is approximately 4,200 square feet. He noted that the Planning Commission recommended approval of the plan and its waivers at its December 12, 2012 meeting. He noted that the following six waivers are supported by Township staff; 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a wetlands delineation report; 3) Waiver of the requirement to provide perimeter landscaped areas minimum of 5 foot width; 4) Waiver of the requirement to provide a tree per 50 linear feet of parking lot perimeter. (The applicant proposed 24 trees); 5) Waiver of the requirement to provide on tree per 100 square feet of landscape bed. (The applicant proposes 14 trees); and 6) Waiver of the requirement of pipe slopes of less than 0.5%.

He noted that there are seven general conditions and three standard staff comments. He noted that Mr. Fleming from HRG is present to answer any technical questions and Christine Hunter, from H. Edward Black and Associates is present to represent CGOH.

Ms. Hunter pointed out the main entrance to the hospital and the area of the current hospital to be demolished. She noted that 131 additional parking spaces would be made with infiltration being provided in the area beneath the additional parking. She noted that there is sufficient detention in the detention pond for the entire site for water quality and best management practices. She noted that the goal is to provide more parking at the front entrance even though there is sufficient parking on the site. She noted that many of the spaces are at a distance, and are also located close to the ambulance entrance. She noted that the ambulance

unloads patients near the rehab entrance and that will become another entrance providing more access to it. She noted that it is opposite the main entrance within the building, and it would provide quick access to the front lobby for visitors.

Mr. Seeds questioned if the existing ambulance entrance is the area that will be torn down. Ms. Hunter noted that it is not the main ambulance entrance as it is located to the back by the Emergency Department. She noted that part of the hospital is being used by ambulances that bring patients from other facilities to the rehab building.

Mr. Blain questioned if Mr. Fleming had anything to add. Mr. Fleming noted that he had nine comments that are all very simple and easy in nature.

Mr. Hornung noted that there is a waiver for the requirement of pipe slopes of less than 0.5%, and he questioned if that meant they should be greater or less per our requirement. Mr. Fleming answered that the requirement is to have pipes with a greater slope but you waive it in this situation because of the underground infiltration system as it is inefficient to have pipes on a slope in that situation. He noted that they would have a maintenance program in place.

Mr. Seeds questioned if it is in a retention basin. Mr. Fleming answered that it is located under the parking lot.

Mr. Hornung questioned why would the Township have a requirement for detention pipes to be greater than 0.5% and should we change the regulation. Mr. Fleming noted that it is applicable to storm sewer systems and conventional conveyance systems however they are using it as a storm sewer pipe in this case which is perforated to create an infiltration bed that is underground. Mr. Hornung noted that he is familiar with doing that, but in those cases he thought they were fairly level. He questioned if the rules for that would be different than the rules for a transferring storm water system. He questioned what qualifies a pipe to be a retention

pipe versus a pipe for transferring storm water or are they using both in this case. Mr. Fleming noted that since that system is connected directly to their inlet system in the parking lot, we reviewed it as a conveyance system and infiltration system so we felt the waiver was applicable in this case. Mr. Hornung noted in this case it is a conveyance and retention system all in one. Mr. Fleming noted that the intent is for the storm water to flow in and once it achieves a certain level it would carry onto to the rest of the storm sewer network and out to the detention facility. Mr. Hornung questioned if that is how they all work. Mr. Fleming noted that it is dependent on how they are designed. He noted sometimes all of the storm water is handled underground in a facility with infiltration component and an overflow that connects to a discharge system but in this case it is a smaller part of the overall system.

Mr. Seeds questioned what size pipe is being used. Ms. Hunter answered that it is 15 inch pipe. Mr. Seeds noted that it is perforated so the storm water will go back into the soil and what doesn't will flow out to the retention area.

Mr. Crissman questioned if Ms. Hunter is an authorized representative to speak on behalf of the applicant. Ms. Hunter answered yes. Mr. Paul Toburen, Vice President of Facilities and Support for PH stated that Ms. Hunter is authorized to speak to the plan.

Mr. Crissman noted that Ms. Hunter is in support of the six listed waivers and staff supports the six listed waivers. Mr. Fleming agreed that he is in support of the six waivers as well.

Mr. Crissman noted that there were seven general conditions, noting number seven, the letter from HRG and in their letter there are nine stipulations. He questioned if Ms. Hunter agrees with the general conditions to include number seven. Ms. Hunter answered yes.

Mr. Crissman noted that there are three staff comments and he questioned if Ms. Hunter was in agreement with them. Ms. Hunter answered yes.

Mr. Crissman made a motion to approve the preliminary/final land development plan for Community General Osteopathic Hospital parking expansion 12-25, with the following waivers and conditions: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide a wetlands delineation report; 3) Waiver of the requirement to provide perimeter landscaped areas minimum of 5 foot width; 4) Waiver of the requirement to provide tree per 50 linear feet of parking lot perimeter. (The applicant proposed 24 trees); 5) Waiver of the requirement to provide on tree per 100 square feet of landscape bed. (The applicant proposes 14 trees); 6) Waiver of the requirement of pipe slopes of less than 0.5%; 7) Plan approval shall be subject to Dauphin County Conservation District's review and approval of the Erosion and Sedimentation Control Plan; 8) Plan approval shall be subject to original seals and signatures on the plan; 9) Plan approval shall be subject to payment of engineering review fees; 10) Plan approval shall be subject to the establishment of an improvement guarantee for proposed site improvements; 11) Plan approval shall be subject to review and approval of sanitary sewer construction drawings by Lower Paxton Township Authority; 12) Plan approval shall be subject to United Water's approval of the water supply system; 13) Plan approval shall be subject to addressing HRG's comments in the January 7, 2013 memorandum; 14) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; 15) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance; and 16) The Operations and Maintenance Agreement shall be recorded with the plan.

Mr. Seeds seconded the motion. Mr. Blain called for a roll call vote: Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Blain, aye

Preliminary/final land development plan for a building
addition for Memorial Eye Institute

Mr. Wolfe noted that the Township has received a plan for building additions to the existing Memorial Eye Institute located at 4100 Linglestown Road. The property consists of 5.19 acres, is zoned BC, Business Campus, and is served by public sewer and water. The property currently contains a 15,209 square foot medical office building. This plan proposed two (2) building additions totaling 5,125 square feet.

Mr. Wolfe noted on December 12, 2012 the Planning Commission recommended approval of the plan and waiver requests, however, the Board recommended deferring the placement of sidewalk along Linglestown Road until connection to future sidewalk would occur and recommended that sidewalk be placed along Dover Road.

Mr. Wolfe noted that the applicant has requested the following waivers: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to construct sidewalks along Linglestown Road and Dover Road. The applicant has agreed to install proposed sidewalk along the Dover Road frontage and shall defer installation of sidewalk along Linglestown Road; 3) Waiver of the requirement to provide curbing along the frontage of Dover Road; 4) Waiver of the requirement to provide a wetlands delineation report; 5) Waiver of the requirement to provide stormwater volume controls for additional water runoff associated with the proposed impervious coverage. The applicant shall demonstrate the existing stormwater detention basin has the available capacity to handle the additional stormwater. He noted that staff supports the first, third and fourth waiver requests. He noted that the applicant has agreed to install proposed sidewalk along Dover Road frontage, and shall defer installation of the sidewalk along Linglestown Road. He noted that the applicant shall demonstrate that

the existing stormwater detention basin has the available capacity to handle the additional stormwater for waiver five. He noted that there are six general conditions and two staff comments.

Mr. Wolfe noted that Mr. Steve Fleming, Township Engineer from HRG is present to address any concerns the Board may have. He noted that Mr. Steve Snyder from Snyder and Secary and Associates is present to represent the plan.

Mr. Jim Snyder noted that Mr. Wolfe summarized the plan very well; however he has not seen Ms. Moran's comments yet but would like to speak to the waivers especially the sidewalk waiver. He explained when he presented the plan to the Planning Commission; it was a relatively minor plan, proposing 5,000 square feet of additional space to the building with no changes to the parking and access. He noted that the site is relatively unchanged, with a small front of 150 feet on Dover Road and 460 feet on Linglestown Road. He noted that he asked for waivers of curbing and sidewalk at those two frontages and the Planning Commission supported one but asked for sidewalks along Dover Road. He noted on Dover Road, there is a low point in the road, and by putting in sidewalks, it creates a dam which necessitates curbing and drainage with stormwater inlets and piping. He noted that it became quite expensive for a piece of frontage that has no bearing on the project itself. He requested the Board to consider that waiver or a deferral for the frontage as suggested by the Planning Commission for Linglestown Road. He noted if the Board decides that the sidewalk is necessary, they would agree to put it in or if there was a substantial development on the property, or if the adjacent piece of property to Dr. Chotiner's was developed, he would agree to do it at that time. He noted that the other waivers are relatively minor.

Mr. Seeds noted that Mr. Snyder is requesting a waiver of sidewalks along Linglestown Road but not on Dover Road. Mr. Snyder answered that he is requesting the waiver for curbing and sidewalks along both roads. Mr. Seeds noted that the memo states that the applicant has agreed to install proposed sidewalk along the Dover Road frontage and shall defer installation of sidewalk along Linglestown Road. Mr. Snyder noted that is what was discussed during the Planning Commission meeting, but since the

sidewalks along Dover Road lead to nowhere he found installing them would create a low point in the road, creating a damming effect and it would necessitate curbing, so it got fairly expensive to put in sidewalks.

Mr. Seeds questioned if he was asking for a waiver for curbing on both Linglestown and Dover Roads. Mr. Snyder answered yes. Mr. Seeds noted that there is curbing on Dover Road from Linglestown Road and there is a storm drain at the end of the Memorial Eye Institute Property on either side of Dover Road. He noted that they have been replaced within the last year but he does not know who did that work. He suggested that curbing would help to channel the water down to the drains and move it out from the property.

Mr. Snyder noted that the inlet is at the top of the frontage but it only connects to the pipe and does not collect any runoff from the road. He noted that the low point in the road is at another location so if he put in a sidewalk it would create a damming effect for the water that wants to go to the low point and run into the property. Mr. Seeds noted that Mr. Fleming's comment mentions that you may have to replace some piping along Dover Road and he questioned if you had to do that, whose responsibility would that be. Mr. Snyder noted if the sidewalk was installed, he would have to cap that inlet as the sidewalk goes over top of the inlet but there was a question regarding a little stub of the pipe that exits from the inlet to the existing swale. He noted that it is relatively new and doesn't need to be replaced. He noted that the pipe needs to be extended. Mr. Seeds questioned whose responsibility that would be. Mr. Snyder noted if the improvement would be put in, it would be within the right-of-way of the Township as it would be a Township owned improvement, but anything outside it, the little piece of pipe and the headwall would be within the easement and the property owner. Mr. Seeds questioned Mr. Fleming if he agreed with that. Mr. Fleming noted that the responsibility for installation would be the developers but the ownership would be the Township by the right-of-way.

Mr. Seeds noted that Mr. Snyder is asking for a waiver of the sidewalk on Linglestown and Dover Roads and curbing on Linglestown Road. Mr. Snyder answered that was correct. He stated that he

would agree to a deferral if the Township is more comfortable with that. Mr. Hornung questioned what would the deferral be contingent on. Mr. Snyder noted, if another development came along that necessitated sidewalk improvements or the Township felt it was time to install the sidewalk along this piece of Dover Road then it would be the responsibility of the property owner.

Mr. Seeds noted in 2009, the Township required sidewalk along that corner for Dr. Dinello, and there is sidewalk along Forest Hills Drive and in front of the drycleaners. He noted that the adjoining parcel has been up for sale for some time. He noted if Dr. Chotiner had sidewalk on his property, it would provide sidewalk for a long stretch. He noted that is what he is looking at. Mr. Snyder noted that was in conjunction with a much bigger project, as someone was developing a building and parking lot. He noted when you start to look at large frontages and those types of drainage improvements that he discussed, the costs become disproportional to the size of the project. He noted if he was building a new 30,000 square foot building it would be more reasonable. He noted that it creates a hardship for the property owner for what he wants to do, therefore the request for the waiver.

Mr. Crissman noted that the applicant has agreed to install the sidewalk along Dover Road but something must have happened since the memo was typed. He questioned why. Mr. Snyder noted during the Planning Commission meeting, he asked for the waiver, but they wanted the sidewalks along Dover Road, so he went back to revise the plan to depict what would be required to put that improvement in and that is when he found out it would be very expensive. He noted if it would only be a sidewalk installation that would be one thing, but due to the other issues, he requested to carry that waiver request forward.

Mr. Blain noted that Dr. Chotiner wanted to make a comment. Dr. Chotiner noted that the total square footage for his building is 22,000 square foot and he is only adding 5,000 square feet, with no increase in the parking lot. He noted that he doesn't impact anything on Dover Road but the Planning Commission wanted sidewalks only on Dover Road and that sounded like a minimum expense. He noted when Mr. Snyder surveyed the property he found that the 150 foot sidewalk cost over \$25,000 to construct. He noted that it is an unreasonable amount of money to spend on the sidewalk. He noted that

he did not have that quote for the Planning Commission meeting and he would be willing to install it if that area develops. He noted that there is a sidewalk on the corner, and that property owner added a parking lot and there are significant drainage issues however, they own a small parcel and they received waivers on the size of the lot to build a building. He asked the Board of Supervisors, for a waiver for Linglestown Road until there is further development, understanding that the Board gets one crack at the nut, in terms of sidewalk and he understand the importance of sidewalks. He noted that he would be happy to install that sidewalk in the event of further development along Linglestown Road. He noted that he is trying to remain within a reasonable budget within today's healthcare market, and he would appreciate a waiver and agree if there is further development to do Dover Road. He explained that sidewalk has no place to go along Dover Road. He noted that there is no other sidewalk along that the other side of the road, and very little along Linglestown Road. He noted that there is no sidewalk along Blue Ridge Country Club, or the office that is on the northwest corner of the road. He noted that he would agree to do it if there was further development and the Township wanted sidewalks installed.

Mr. Seeds noted that we have had agreements in the past when an adjacent lot was developed that sidewalk had to be connected to and it was very hard to track. He stated that he never recalled granting a waiver when there was sidewalk on one side. He noted that he would like to see more sidewalks installed along Linglestown Road. He noted that there is sidewalk on the one side, and if we waive this then everyone else will want the same treatment. He questioned how we track this improvement. Dr. Chotiner noted that his son is part of the practice and he will be around for a reasonable amount of time and he would certainly enter into whatever agreement is required. He noted that it costs a lot of money to install the sidewalk and he is trying to keep the project economical. He noted that he understands the sidewalk requirements but he would like to defer the expense until such a time that the sidewalk is useful for something which it would not be at this time.

Mr. Crissman noted that the Board is looking out for the welfare of the people who live in the community and it is not about the money. Dr. Chotiner noted that he understands that and hopes to be

granted a deferral. He noted that it is a significant expense, and as he stated at the Planning Commission meeting, the problem on Linglestown Road is not so much pedestrians walking there but the bicycles on that roadway. He noted that the sidewalks would not go anywhere or connect with anything. He noted that he understands the principal of what Mr. Crissman is saying and he does not disagree with that at all. He explained that it is not creating a safety issue at the present time, and the sidewalk along the corner does nothing. He noted that that corner sidewalk was installed for a new building and parking lot and he was not privy to that. He noted that there were sensitive drainage problems there. He noted the swale and inlet that was discussed earlier; he does not know why it was put in. He explained that he had no idea it was being done but the Township did it for whatever reason. He noted that he would appreciate the Board's consideration in this matter. He noted that he would accept a deferral on the installation of the sidewalk to keep the project within a budget as he was shocked at the cost to put in the sidewalk.

Mr. Crissman noted for waiver request Number Five, the applicant shall demonstrate the existing stormwater detention basin has the available capacity to handle the additional stormwater, has this been satisfied to Mr. Fleming's requirement. Mr. Snyder answered that he believes so. Mr. Fleming answered not at this time, noting that we have discussed how it would be addressed. Mr. Crissman noted that it has not been completed. Mr. Hornung noted if the applicant is going to demonstrate that he doesn't need a waiver, then why we are giving him the waiver. Mr. Snyder answered that the waiver pertains to the volume of stormwater requirements for anytime you create more than 1,000 square feet to infiltrate. He noted that he can't infiltrate on this site due to the soil. He noted that he is asking for a waiver of that requirement and one of the comments will demonstrate that the rate controls have been met, which he has done and is proposing to replace the outlet structure in the existing detention pond. He noted that is what the comment pertains to. He noted that we have agreed in concept that the plan will reflect that but the waiver pertains to the volume requirement, and not the rate requirement.

Mr. Seeds questioned if we grant the waiver, you wouldn't receive a waiver unless you can demonstrate that the existing storm water basin has the available capacity. Mr. Snyder noted that there is

plenty of capacity. He noted that one pertains to how much water you put in the ground and the other one is the rate of the water leaving the site, so he will demonstrate the second to make them comfortable from a rate perspective if the water is managed properly but we still need a waiver for the volume requirement.

Mr. Fleming noted that there is a second step to this.

Mr. Hornung questioned if the infiltration requirement to keep water on site was a DEP requirement that is un-waiveable. Mr. Fleming answered once you are over an acre of disturbance; however, this project is of the size that it does not meet the requirement.

Mr. Hornung questioned how you work this so that we are waiving only one part and not all of it. He questioned if the waiver is written that way. He suggested that it addresses the volume control but not the infiltration requirement, and it results in something totally different. Mr. Fleming explained that they do not have the ability to infiltrate. Mr. Hornung noted that he understands that. Mr. Fleming noted that infiltrating is way to mitigate your stormwater volume. He noted since they can't do that they are requesting a waiver from the volume controls which includes the infiltration requirement. Mr. Hornung noted that the waiver would be contingent as long as they provided the calculations showing that they were controlling it properly. Mr. Fleming noted that his support was conditioned on making sure that they had met that calculation.

Mr. Hornung questioned to the north and south of the property along Dover Road, is there sidewalk. Mr. Fleming answered that he is not clear if there is sidewalk to the north. Mr. Wolfe answered that there is no sidewalk on Dover Road anywhere. Mr. Seeds noted that there is none to the north of the existing dental office. Mr. Hornung noted that there is sidewalk to the south going towards Linglestown Road, but none to the north. Mr. Fleming noted that it is part of a somewhat larger sidewalk network that has been developed over the past couple of years with the Townhouse community to the south of Linglestown Road, to the commercial development and the dentist office to the west.

Dr. Chotiner noted that on the other side, there is no continuation from either side of his property, north on Dover Road or east on Linglestown Road. He noted if there was future development he would be prepared at that point in time to address those issues. Mr. Blain noted that it would be for the installation for both Dover and Linglestown Roads. Dr. Chotiner answered yes. Mr. Blain noted that he understands, having sat on the Planning Commission for four years and on this Board for last eleven years, the Board takes the sidewalk issue very seriously; however, for this instance he sees it a little differently. He noted if you look at the plot of land, the sidewalk is not close to where the development is. He noted that this is the opportunity to get the sidewalk installed; however there is no sidewalk on that street other than Dr. Dinello's office. He noted that the sidewalk would go up Dover Road until you connected to the Forest Hills Development where it would meet it. He noted if the sidewalk was closer to the actual building they are developing or the site was smaller in nature, it would make it look contiguous, but it is an L-shaped lot, and the sidewalks are 1/8th of a mile from the actual development. He noted that he would be in favor of a deferral if the applicant is willing to do it at a future date when necessary.

Mr. Hornung noted that the benefit/ratio would determine if there is a risk for someone walking along the road or on the sidewalk which is great enough to justify the cost. He noted because there are no connecting sidewalks, there is a lot less foot traffic to the development versus what might occur down further on the road. He noted that he is not familiar with the area, but it doesn't make sense as far as the cost benefit risk ratio and that it is not in the locality of his development. He noted that he agreed with Mr. Blain, for the requirement of the sidewalk.

Mr. Crissman noted that he does not like deferring it with no limitations. He noted that he wants to know when or under what circumstances the sidewalk must be installed. Mr. Hornung noted when the northern part is developed and the sidewalk goes in at that point, he would be required to put in the sidewalk. Mr. Crissman noted if you are going to do this, and he is not happy with it, something needs to be written and memorialized as opposed to using the word, shall defer. He noted that is ambiguous. Mr.

Blain noted that he agreed with Mr. Crissman. Mr. Seeds questioned if you are talking about Dover Road at this point, and not addressing Linglestown Road. Mr. Blain answered that we are talking about Dover Road. Mr. Seeds suggested that you will never see sidewalk along Dover Road. He noted that there are some wooded areas that could be developed.

Mr. Blain noted that Mr. Crissman has a good point. He noted that we have deferred sidewalks before with specific language put in the agreement for when it had to be connected, saying if there was development to the north or something to that matter. He suggested that it would have to be put in if the property contiguous with their property is developed. Mr. Seeds questioned if Mr. Blain would do the same for the curbing. Mr. Blain answered yes; however he questioned what about Linglestown Road. Mr. Seeds noted that we need it as we have it at Forest Hills Drive and the dry cleaners and he hopes that the lot next to this one will be sold, as the economy seems to be improving. He noted that this is another opportunity for sidewalk to be completed in the Township. He noted that he is not for the deferral of sidewalk

Mr. Seeds noted in 2009, the Board required Dr. Dinello to put curb and sidewalk around the entire corner and not to require it for this property would not be right.

Mr. Hornung questioned what the frontage was on Linglestown Road. Mr. Snyder answered that it was 460 feet. Mr. Blain noted that it cost \$25,000 to install 155 feet of sidewalk, but that included significant issues with stormwater and the pipes. Mr. Hornung questioned if sidewalk was roughly \$200 a foot. Mr. Snyder answered that he did not know as it involves grading and other items. Mr. Hornung noted that he might have been thinking of curb and sidewalk. Dr. Chotiner noted that there is very little pedestrian traffic on Linglestown Road. He noted that there is no place for people to go to get on it. He noted that there is nothing on the opposite side of the street and the property next to his has been for sale for the last ten years or so. He noted that he would be perfectly happy to put it in the document that if the adjacent property is developed he would be required to connect and put a sidewalk along Linglestown Road. He noted that he understands the safety issues that Mr. Hornung has discussed in terms of walking

along the sidewalk versus walking along the street. He noted that no one walks on the street on Linglestown Road. He noted that there is no place for them to walk from east to west or west to east. He noted that he would be willing to put the sidewalk in if the property to the east was developed. Ms. Seeds questioned if that property was sold and if that owner would ask for a waiver since there is no sidewalk going east or west. Dr. Chotiner noted that he would sign an agreement to put in the sidewalk at that time. He noted that he was approached to buy that property but there hasn't been any movement on it.

Mr. Hornung questioned if there is curbing on Linglestown Road. Mr. Snyder answered yes. Mr. Blain noted for Linglestown Road the only deferral would be for sidewalk.

Mr. Blain questioned if it makes or breaks the project to install sidewalks on Linglestown Road. Dr. Chotiner answered that it is a significant cost as he has already cut back on the extent of the project. He noted that he had to delete the porte-cochere and other items. He noted that the healthcare market is fluctuating, and he is trying to provide something that is affordable and good for patients and for the way he practices medicine. He noted financial constraints are a big issue with the project to the extent that if he is required to install sidewalk on Linglestown Road to be contiguous that it could be made contingent of development of other properties.

Mr. Blain questioned if instead of a deferral until the next property is developed, what if it was set in writing that the sidewalk would be installed in a 48-month period. Dr. Chotiner noted that he would appreciate any deferral; obviously what would make the most sense is that there was something it would be connected to, so if there was nothing there in 48 months, we would probably say that it doesn't need to be there, but if you would say 48-monhts that is your discretion to do so. He noted if the property would be sold and developed sooner than 48 months, then obviously we might have to do it sooner. He noted that it is a reasonable amount of time making it whatever length of time you would feel comfortable with. He noted that he understands the reason for sidewalks. He noted that there is no pedestrian traffic or significant issue at this time. He noted if you want to attach a 48-month time-frame,

it would give him time to recuperate his costs but he would prefer doing it when the adjacent property is developed even if it means that it could be earlier.

Mr. Blain noted that he is trying to negotiate an agreement, noting that Mr. Seeds stated that it might be lost in the shuffle. He noted that he is trying to set up a time for it to happen. Mr. Crissman noted that shall defer means that we don't have to do it. He noted that the first issue is that the applicant has agreed to install proposed sidewalk along Dover Road and they are asking that it be removed. He noted that his second issue is that they want to keep the language of shall defer any installation of sidewalks along Linglestown Road. He noted that the fifth waiver is an issue for him for who shall demonstrate this, but his question is within the time frame as it has not been completed. He noted that he has not resolved any of the three issues.

Mr. Seeds noted by means of the improvement guarantee, which they would have to post if the plan is approved, they would have time to do them all. He noted that he would not want to provide a year deferral as it would be hard to check. Mr. Hornung noted that providing for years is the easiest way to track because he has to post a bond and it will come due every year. Mr. Seeds noted that he has to do that every year, but if you deferred it until development starts, there is no way to trigger it when a development starts, however, if you put a year limit on it then he has to post a bond and every year the bond has to be extended, and at that point it would trigger that the four years it stops. He noted that there is a way to track it on an existing system that would bring it up. He noted that it has its advantage versus just saying until development occurs on either side of the property. He noted that Mr. Wolfe has tried to attempt to track that and has had some limited success, but there is no guarantee unless you would make them post a bond for it. Mr. Wolfe agreed.

Mr. Seeds noted if we do it for one, everyone will come in and ask for time and it will be a domino effect.

Mr. Fleming noted if you are not installing curb, sidewalk and stormwater, the improvement guarantee would be very small, for only about one or two site inlets, and you may elect to do that before

the project, noting that this bond won't be around very long. He suggested that the project would be done in a short period of time if you don't require the curbing and sidewalk, so it won't come back every year. Mr. Hornung noted if we insist on a separate bond it would be reduced to a point until the sidewalks are completed. He noted if the sidewalks are required but allow a four-year extension to do that work, he would still have to post a bond for the sidewalk that would come due in four years and at that point he would have to do it or call the bond. He noted that it automatically triggers it and at that point we make him install the sidewalks, or we could decide to grant another extension or just make him install the curb. Dr. Chotiner noted that was acceptable as he is not looking to get away with something. He noted that he is trying to improve the facility as economically as possible. He noted that it is perfectly acceptable. He noted that allowing a 48 month extension and having to post a bond that could be called to make him put in sidewalks would help him to proceed with the project. He noted that he did not think that he would need a land development plan for the addition but he found out at a workshop meeting that anything over 2,000 square feet needed a land development plan.

Mr. Crissman noted that the Board told him at a workshop meeting that he would need to go through that process. Dr. Chotiner noted that the architect was under the impression from someone from the Township that it was not needed. He noted that it required additional engineering fees that he hadn't plan on initially. He noted that he is willing to go with a time limit for the sidewalk installation.

Mr. Blain noted that the approval deadline is not until March 11, 2013 and he questioned if the Board should table this tonight to discuss this more in a workshop session to determine how to handle the sidewalk issue and waiver number five. He noted that we could provide the engineers time to review the stormwater volume issue. Mr. Crissman suggested that it is a good idea. He noted if we had a two-two vote at this time it would deadlock the project. He noted that it would be better to get the details hammered out between the engineers.

Mr. Crissman questioned Mr. Fleming if there are any other issues with the 13 items listed in the HRG memo, which is a large number. He questioned if all of those have been satisfied. Mr. Snyder

explained that some pertain to the Dover Road sidewalk drainage issue. He noted that they have been discussed and agreed upon between his office and HRG's office so they are resolved; however, he would have to make some notations to the plan. Mr. Crissman questioned if they are all resolved yet. He noted that he would like to have those issues included in the discussion to be held at the workshop session. Mr. Fleming noted that the majority of the comments have to do with sidewalk and curbing on Dover Road.

Dr. Chotiner noted that he is under time constraints in terms of an approval process and the contract to start the work and to get the building permit. He noted if he could get an approval this evening it is extremely important for the project moving forward.

Mr. Crissman noted if you are looking for a decision tonight, you may not get the decision you want, so if a little bit of time resolves the issues so you can get a program moving in a forward manner, then he would suggest Dr. Chotiner yield to the chairman's suggestion. Dr. Chotiner questioned what time frame you are talking about. Mr. Blain noted that we have a workshop session the second Tuesday in February and would invite you to that session to work through the details of the remaining items and if they are hammered out it could be on the agenda for the February 19th meeting for approval. He noted that he understands the contractors point, but the deadline for approval is March 11th. He noted that it might slow you down by a month but Mr. Crissman made a very good point. He noted that it would be better to discuss this in a workshop session. Dr. Chotiner noted that you are the decision makers and he appreciates that.

Mr. Hornung noted that the option is to go through with the sidewalk on Linglestown Road or wait a month and maybe have that waived. He noted that you could forget the waiver and move forward or delay the project. Dr. Chotiner noted that he understands that. Mr. Seeds noted that he could make a motion but he would not approve those waivers. Mr. Blain noted that no action would be necessary at this time.

Improvement Guarantee

Old Iron Estates, Phase II

An extension and 10% increase in a letter of credit with Fulton Bank, in the amount of \$104,841.00, with an expiration date of January 22, 2014.

Mr. Crissman made a motion to approve the improvement guarantee. Mr. Seeds seconded the motion. Mr. Blain called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority, and the Purchase Cards. Mr. Crissman seconded the motion. Mr. Blain called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting ended at 9:08 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary